

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.845 OF 2006

Rajendra Vasudeo Marathe & Ors. ... Petitioners

V/s.

State of Maharashtra & Ors. ... Respondents

Mr.Uday Warunjikar for Petitioners

Mr.P.I. Khemani, AGP, for Respondent No.1

Mr.C.J. Sawant with Mr.N.Dhumal for Respondent Nos.2 to 4

Mr.Girish Kulkarni for Respondent No.5

CORAM: **V.G. PALSHIKAR, Ag.C.J &
SMT.NISHITA MHATRE, J.**

DATED: **FEBRUARY 16, 2006**

P.C.:

. By this Petition, the Petitioners seek an order pertaining to the payment of arrears of fees liable to be paid by them as students of Architecture College of the Respondent Institute. Having heard the matter for some time, we are of the opinion that the writ petition can be disposed off to the satisfaction of all concerned by making a comprehensive order as follows:

By reason of revision of fees payable and orders made by Respondent No.2 Committee, that is Shikshan Shulka Samiti for Higher Technical Educational Institutions, the fees payable by the students of architecture, the Petitioners, was determined and the College and the

Institute started demanding arrears in terms of that. That demand was challenged and the Petition was disposed off directing the students to make a fresh representation to the Respondent No.2-Committee which has been made and is pending and liable to be decided by 21.2.2006.

2. In the meantime, because many of the Petitioners were unable to pay the arrears, they were prevented from attending further classes and they were required to remain outside the Institution and consequently without instructions for the course they are undergoing. The present Petition is basically directed against the Respondent No.2-Committee for not deciding the representation made afresh well within time and against the Institution for prohibiting the students from attending the lectures due to their inability to pay the arrears. All these aspects are taken into consideration and in our opinion, the following stipulations would take care of the entire situation:

- i) All the Petitioners and those who are identically situated as the Petitioners will pay 25% of the arrears notified by the Institution latest by 23.2.2006. The fact that time is given till 23.2.2006 need not prevent the

students who are able to pay earlier from so paying so as to avoid the last minute rush.

ii) 25% of the arrears should be paid by 31.3.2006.

iii) 25% of the arrears should be paid by 15.5.2006 and before going for the examinations.

iv) Each student in arrears should give guarantee to pay the balance within the stipulated time mentioned in the guarantee.

3. On the understanding that the above will be done, we direct as under:

i) The Institution will permit as of tomorrow all the students to attend the college and start taking instructions to prepare for the ensuing examination.

ii) The Institution shall accept forms with late fees for the ensuing examination and submit them to the University by 24.2.2006.

iii) Thereafter the Institution shall ensure

that the hall tickets are issued to these students.

4. We direct that because of the past happenings, many of the students may fall short of the attendance of 75% as required by law. Taking into consideration the peculiar circumstances in which the students were required to prosecute their studies, the concerned University shall not insist on these students fulfilling 75% attendance for the examination only in the case of these students and it shall not be in any manner used or cited as a precedent being a direction strictly on facts of this case. We also direct that the results of these students need not be withheld as they are guaranteeing the payment of balance as stipulated earlier. We sincerely hope and trust that this order passed largely on the consensus of the parties concerned shall be obeyed in spirit by all concerned avoiding such unpleasant litigation.

5. It is however, made clear that all such payments as are made and received by the Institution shall be subject to the ultimate result of the representation made by the Petitioners before Respondent No.2. We expect the Respondent-Committee to decide the representation of the Petitioner in any event by

15.3.2006.

6. Parties to act on authenticated copy of this order.